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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,682	03/20/2001	Edward Zaccaria	99-40149-C	7361

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EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Notice of Allowability

Application No.

09/814,682

Applicant(s)

ZACCARIA ET AL.

Examiner

Art Unit

CUONG H. NGUYEN

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the interview on 1/21/05.
2. ☒ The allowed claim(s) is/are 1-38.
3. ☒ The drawings filed on 31 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Cuong H. Nguyen
CUONG H. NGUYEN
Primary Examiner
Art Unit: 3661

DETAILED ACTION

1. This Office Action is the answer to the After-Final amendment received on 12/17/2004, and the interview with Mr. Thomas J. McWilliams (applicants' representative) on 1/21/05, which papers have been placed of records in the file.

Priority

2. This application claims priority of a US Provisional Application # 60126614 with filing date 3/27/1999.

Examiner's amendment:

3. The authorization for this amendment was given by Mr. Thomas J. McWilliams (register # 44,930) on 1/21/05. Should the changes be unacceptable to applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been agreed to amend as follows:

- Replace current claims 1, and 26 with these latest versions of claims 1, and 26 (amended on 1/21/2005):

1. (currently amended) A computer ~~programmable~~ programmed method for reducing risk actually assumed by at least one of a plurality of parties, wherein at least one of said parties supplies electric power to at least one other of said parties, and if an unplanned, non-catastrophic at least partial failure to supply said adequate electric power occurs, at least one of said parties assumes said risk, said method comprising:

calculating via a computer program at least one factor associated with said supplying of electric power ~~and for, wherein, based on the at least one factor, said~~

computer program determines ~~determining~~ whether an unplanned inadequacy of supply of said electric power that occurs upon a non-catastrophic event is a qualifying event;

designating a ~~compensation via~~ by the computer program of at least one cost offset compensation range and at least one additional power compensation range which will simultaneously at least partially reduce said risk actually assumed by said at least one of said parties assuming said risk if said unplanned inadequacy occurs and is determined to be a qualifying event;

establishing ~~via~~ within the computer program a relationship between said at least one of said parties assuming said risk and at least one other party, wherein said at least one other party agrees to provide said compensation ranges to said at least one of said parties assuming said risk if said unplanned inadequacy occurs and is determined to be a qualifying event; and,

issuing an insurance policy from a computer associated with ~~via~~ the computer program wherein said compensation ranges are provided at the time of said unplanned inadequacy; and

wherein at least one of the parties supplies electric power to at least one other of said parties, and if said unplanned inadequacy occurs, at least one of said parties assumes a majority of said risk.

26. (currently amended) A computer-readable medium comprising computer-executable instructions for preparing a contingent benefit conferring obligation for reducing an actual risk assumed by a risk assuming at least one of a plurality of parties, wherein at least one of said parties supplies electric power to at least one other of said

parties, and if an unplanned, non-catastrophic at least partial failure to supply said adequate electric power occurs, said risk assuming at least one of said parties actually assumes said risk, said computer-executable instructions comprising:

instructions for designating data indicative of at least one factor associated with said supplying of electric power and for identifying if an unplanned at least partial failure to supply said adequate electric power which occurs after a non-catastrophic event is a qualifying failure;

instructions for designating data indicative of a compensation which will at least partially reduce said assumed risk, wherein said compensation includes at least supplying additional electric power and a simultaneous payment for offsetting costs of said supplied additional electric power, if an unplanned at least partial failure to supply said electric power occurs and is determined to be a qualifying failure; and,

instructions for generating at least one document associated with said contingent benefit conferring obligation at least partially dependently upon said designated data indicative of at least one factor and said designated data indicative of said compensation;

wherein, said benefit conferring obligation is between said risk assuming at least one of said parties and at least one other party, and wherein said at least one other party agrees to provide said compensation to said risk assuming at least one of said parties if an unplanned at least partial failure to supply said adequate electric power occurs and is determined to be a qualifying failure, immediately upon occurrence of said at least partial failure to supply adequate electrical power.

- For claim 9, line 1(amended on 1/21/2005): is replace "9" with - - 8 --.

Allowable Subject Matter & Reasons for Allowance

4. Independent claim 1 is patentable over the closest references of Francine Brevetti, and Oren et al., because these references do not anticipate nor fairly and reasonably teach a computer-implemented method for reducing risk actually assumed by at least one of a plurality of parties, wherein at least one of said parties supplies electric power to at least one other of said parties, and if an unplanned, non-catastrophic partial failure to supply adequate electric power occurs, at least one of said parties assumes said risk, comprising:

calculating via a computer program at least one factor associated with said supplying of electric power ~~and for~~, wherein, based on the at least one factor, said computer program determines ~~determining~~ whether an unplanned inadequacy of supply of said electric power that occurs upon a non-catastrophic event is a qualifying event;

designating ~~a compensation via~~ by the computer program of at least one cost offset compensation range and at least one additional power compensation range which will simultaneously at least partially reduce said risk actually assumed by said at least one of said parties assuming said risk if said unplanned inadequacy occurs and is determined to be a qualifying event;

5. Independent claim 26 is patentable over the closest references of Francine Brevetti, and Oren et al., because these references do not anticipate nor fairly and reasonably teach a computer-readable medium comprising computer-executable instructions for preparing a contingent benefit conferring obligation for reducing an actual risk assumed by a risk assuming at least one of a plurality of parties, wherein at least one of said parties supplies electric power to at least one other of said parties, and if an unplanned, non-catastrophic at least partial failure to supply adequate electric power

occurs, said risk assuming at least one of said parties actually assumes said risk, said computer-executable instructions comprising:

instructions for designating data indicative of at least one factor associated with said supplying of electric power and for identifying if an unplanned at least partial failure to supply said adequate electric power which occurs after a non-catastrophic event is a qualifying failure;

instructions for designating data indicative of a compensation which will at least partially reduce said assumed risk, wherein said compensation includes at least supplying additional electric power and a simultaneous payment for offsetting costs of said supplied additional electric power, if an unplanned at least partial failure to supply said electric power occurs and is determined to be a qualifying failure.

6. Claims 2-25, and 27-38 are allowed because they are dependent upon claims 1, and 26 (in that order).

7. **REASON:**

None of the references cited (Oren et al., or Francine Brevetti), either alone or in combination, provides for:

a) Insurance coverage in the event of a non-catastrophic power supply inadequacy;

AND

b) Compensation for the insured, in the event of a non-catastrophic inadequacy, that includes the supplying of additional power **AND** the simultaneous payment of a cost-offset for the additional power, **AT THE TIME OF THE NON-CATASTROPHIC INADEQUACY.**

The applicants confirm that a “non-catastrophic inadequacy” relates to an inadequate power supply level to meet an increased power demand under normal electrical generator operating circumstances. In other words, a “non-catastrophic event” does not include an interruption or an outage, each of which would be catastrophic events. A “catastrophe” is any event that lessens the amount of power generated to below the normal level of power generated by a given set of generators. An “inadequacy” occurs when the amount of power generated is at the normal level, but that normal amount of power is suddenly not enough to meet a surge in power demands. Thus, the present application claims only an insurance coverage that occurs when the level of power normally supplied is not reduced, but rather the demand for power is increased. A “catastrophic event”, such as a generator explosion or power-line damage, would thus not be covered by the claims of the present application.

Further, the supplying of additional power AND the offsetting of costs for the increased power are provided simultaneously in the claims, and are provided AT THE SAME TIME as the occurrence of a non-catastrophic power supply inadequacy. The art cited provides for the insured to elect either to receive additional power, or a cost offset payment, but not both together. Further, because the cited art provides for the insured to elect either additional power or a payment, there must be a waiting period that occurs AFTER THE OCCURRENCE OF A CATASTROPHIC POWER LOSS, during which waiting period the insured is allowed to make an election. Thus, cited art does not show BOTH the provision of additional power AND the payment of a cost offset, nor does the cited art show the provision of additional power AND the payment of a cost offset AT THE TIME A POWER INADEQUACY OCCURS.

Conclusion

8. Claims 1-38 are patentable.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:00 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the examiner where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CUONG H. NGUYEN
Primary Examiner
Art Unit 3661